

**Naples Planning and Land Use  
Regular Meeting  
February 17, 2015**

**Commission Present:** Neil Cathey, Szeth Simmons, Kerry Kinney, Mark Partridge, , Cresta Slaugh, Chris Clark, Andrew Bentley

**Commission Absent:** Bret Stringham

**Others Present:** Joshua Bake, Connie Patton, Kenneth Reynolds, Dale Peterson, Dean Baker, Kelly Joseph, James Richards, Rob Heywood, Jimmy Lewis JRH Contracting, Dale Harrison, Dean Bell, Kirk Robbins and Cable Murray.

**Verification of full Quorum** Neil Cathey verified a full Quorum  
Joshua updated the Commission on what constitutes a quorum, there are four options in the by-laws #four when exactly two regular members and one alternate member is present at the meeting Chairman, Vice-Chairman or Chairman Pro Tem may Temporarily designate the senior most alternate as a regular member in order to create a full quorum, that's where we get a full quorum with just three members.

**Approval of Agenda** Neil asks for motion to approve the agenda for February 17, 2015. Mark asks if the public hearing for J.R.H was added to the agenda, Joshua stated that agenda had been changed to include J.R.H. as a public hearing and had been advertised. Kerry made the motion to approve, Mark seconds motion.

Roll Call Taken:

<b>Kerry Kinney</b>	<b>Aye</b>
<b>Mark Partridge</b>	<b>Aye</b>
<b>Neil Cathey</b>	<b>Aye</b>
<b>Cresta Slaugh</b>	<b>Aye</b>
<b>Andrew Bentley</b>	<b>Aye</b>

Motion passed with all voting Aye.  
None opposed

**Disclosures**

None

**Approval of Minutes**

Mark motioned to approve the minutes for January 20, 2014. Cresta seconds the motion.

All in favor:

<b>Kerry Kinney</b>	<b>Aye</b>
<b>Mark Partridge</b>	<b>Aye</b>
<b>Neil Cathey</b>	<b>Aye</b>
<b>Cresta Slaugh</b>	<b>Aye</b>
<b>Andrew Bentley</b>	<b>Aye</b>

Motion passed with all voting Aye.  
None opposed

### **Administrative Updates:**

- Land Use Plan Update Requests

Joshua, we are going to forgo any training tonight due to the schedule but I do want to note that any Land Use Regulations that we need to update to the ordinance please let me know. I found one that I will adjust later tonight but I think it should be a pressing matter for the Commission to address. We can look into cleaning up our ordinance so it will be easier to read, easier for developers and for the Planning Commission as well.

We are planning a public meetings training with Dennis Judd and we will make that in conjunction with the City Council, I will let you know when we have a date for that.

The County is planning a large training for all of the Land Use Ordinances; it will be coming up in the next few months.

Due to technical difficulties your packets have change from the original ones so they are bigger than at the beginning. If any of the Commissioners need extra time to review your packets let Chairman Cathey know and he will give you that time.

### **PLANNING**

- Public Hearing

Jim Richards, request approval of a concept plan to create a flag lot and home site served by a private road in an Agricultural (A-1) Zone at app. 2000 South 300 East, Naples serial no. 05:135:0003.

#### **Motion To Open Public Hearing**

Kerry made the motion to open the public hearing to review Jim Richards concept plan, Mark seconds motion.

All in favor:

<b>Kerry Kinney</b>	<b>Aye</b>
<b>Mark Partridge</b>	<b>Aye</b>
<b>Neil Cathey</b>	<b>Aye</b>
<b>Cresta Slaugh</b>	<b>Aye</b>
<b>Andrew Bentley</b>	<b>Aye</b>

Motion passed with all voting Aye.

None opposed

Jim Richards presented a concept plan to create a flag lot and home site served by a private road. Jim, my son will be moving home to help me run the farm and the storage business. We are proposing a road on the south side of the property that will bend around the storage units, go north and come into two acers of land where he will build his home. I am giving him a 25 foot right-of-way that will be part of his property. Adam will own the land but Jim will retain the right-of-way.

Dean raised the question of rather this fits as a flag lot. A flag lot is supposed to be for an area that you didn't have access in; you should be able to just build on this.

Jim wanted to present the concept plan to the Planning Commission so they were informed of his plan.

Commission members are in favor of the concept plan however a motion to approve is not necessary. This is a process done by the Land Use Administrator.

#### **Motion To Close Public Hearing**

Mark made the motion to close the public hearing on Jim Richards request for approval of the concept plan to be a flag lot, served by a privet road in an agricultural owned zone. Cresta seconds motion.

All in favor:

<b>Kerry Kinney</b>	<b>Aye</b>
<b>Mark Partridge</b>	<b>Aye</b>
<b>Neil Cathey</b>	<b>Aye</b>
<b>Cresta Slaugh</b>	<b>Aye</b>
<b>Andrew Bentley</b>	<b>Aye</b>

Motion passed with all voting Aye.  
None opposed

- Public Hearing

- Uintah Mosquito Abatement District, request a Site Plan Review (Preliminary/Final) to construct a parking garage in an Industrial (I1) Zone located at 1425 East 1000 South, Naples, serial 05:047:0062.

**Motion To Open Public Hearing**

Kerry made the motion to go into the public hearing for the Uintah Mosquito Abatement District, Mark seconds.

All in favor:

<b>Kerry Kinney</b>	<b>Aye</b>
<b>Mark Partridge</b>	<b>Aye</b>
<b>Neil Cathey</b>	<b>Aye</b>
<b>Cresta Slaugh</b>	<b>Aye</b>
<b>Andrew Bentley</b>	<b>Aye</b>

Motion passed with all voting Aye.  
None opposed

Joshua presented the Commission with clarification on the Land Use Ordinance that was ask for in the previous meeting. I attached a check list from 02-03-005 of what is required. I also included 02-27 commercial and industrial overlay guidelines introduction. This part of the Land Use Ordinance needs to be clarified. The setback requirements will need to be addressed 02-27-008 section B page 21, setbacks requirements must meet a 30 foot minimum, on the next page number five, setback requirements may be varied with approval from the City. The engineers will go over that with you.

Kelly Joseph with Timber Line Engineering and Surveying represented the Uintah Mosquito Abatement District. Landscaping and the site dimension plan have been updated to meet your requirements. Building setbacks, the (I1) code and zoning has no rear or side setbacks the only place it calls out setbacks is in the Commercial overlay. The Mosquito Abatement District would like to keep their building as close to the back of the lot as possible, it allows them the ability to grow in the future.

**Motion To Close Public Hearing**

Kerry motioned to close the Uintah Mosquito Abatement District public hearing, Mark seconds the motion.

All in favor:

<b>Kerry Kinney</b>	<b>Aye</b>
<b>Mark Partridge</b>	<b>Aye</b>
<b>Neil Cathey</b>	<b>Aye</b>
<b>Cresta Slaugh</b>	<b>Aye</b>
<b>Andrew Bentley</b>	<b>Aye</b>

Motion passed with all voting Aye.  
None opposed

- Public Hearing
  - J.R.J Contracting Inc. Fence Proposal for 1945 East 1500 South.

Joshua, J.R.J. contracting is proposing that they remove the existing fencing and put in a chain link fence. Per our city codes there are 2-28-005 there are special permitting's we do. An amendment was done on August 28, 2014 that states; for any industrial use adjoining the residential use the owner of the industrial property shall provide and maintain along such property line a minimum of six foot ornamental masonry wall in a neutral color. Across from this property along 1500 South is a residential area, so per the ordinance it would require a six foot ornamental masonry wall of neutral color. The petitioner is requesting under city code 02-07-007 alterations or modifications in non-conforming use of non-complying structures. This states that the Commission can if it sees fit. A use or structure which has been declared non-conforming or non-complying shall not be enlarged or moved except as provided in the land use ordinance. The Commission after a public hearing may allow an enlargement or a modification provided the changes are in harmony with the surrounding neighborhood and in keeping with the intent of the general plan of this ordinance. The proposed change will not impose any unreasonable impact on land or the area. Reasonable conditions may be attached to the approval in order to assure neighborhood adaptability.

They are requesting modification, keeping in harmony with the neighborhood, allowing a chain link fence rather than a masonry wall.

Cresta, I was under the understanding that if the industrial property line joins the residential they do have to have the masonry wall. Joshua, they do not have to change their fence, they can leave it as is. Mark, there is a road between them and the residential. Cresta, so there is no adjoining property? Mark, there is on the back I think. Jimmy Lewis with J.R.H. this is all Russian olives.

Jimmy, our main reason for this, when we first moved into the shop there was a fence over here; we tore that out, fenced in the front. The prior planner told us the existing barb wire fence was our property line. We had it surveyed; my main reason for this is to keep people out. It is easy to access; I had an air compressor that was vandalized in the last three or four months and it was parked along that fence. We will stay in harmony with everything there. Two sides are chain link; we just want to put in the new chain link to protect our property. Andrew, so how close is the closest house to you? Cresta, it's across the street. Joshua, he just wants the fence on the east side. He is not going to put one on the north side. Cresta, it shouldn't have to be masonry because it is not adjoining. I don't even know why this is an issue for a non-compliant structure because it is not adjacent to a residential. Mark, I feel he should be able to put in a nice chain link fence like he done on the front of his property and call it good.

Jimmy, I'm ready to go with it now, we have a lot of equipment in our yard right now and the claim on the air compressor is going to be around \$14,000.00. I would like to be able to keep people out of there. Chris, even though it is separated by a public street it is still an industrial zone surrounded by a residential zone. Andrew, this would make sense if we were butting up against the back side of a house but where it isn't going to affect anybody it shouldn't make any difference. Szeth, we should use our discretion and decide. There is no public here that is against it. Joshua, we notified the individuals within 500 feet and called a public hearing to make sure. Neil, we have two people right here that are within 100 feet and we didn't receive letters so I don't know if everybody got letters or not. Mark, will this make it null and void until the people are notified? Dale, no because it was also posted in three public places and that is all that is required for notification. Joshua, I think individuals do need to be notified by letter. My recommendation would be maybe table this. Neil, I can say there is no one here that is against it. Joshua, I will leave that up to the Commission. Dale Harrison, if you guys remember we held Wheeler to the same standards. If there is any building behind them they have to put a masonry wall up. We let them have a variance until that property is actually developed. You have to put a stop between industrial and residential, a chain like fence is not adequate to stop the noise and the dust between the two. Chris, I would suggest we table until we insure the entire neighborhood has been notified. Mark, is there anybody in the public that would like to comment? We need to close the public hearing. Jimmy, please take under consideration, if we have to put a wall up we will just leave it the way it is. Neil, we understand that but understand if a kid gets in there with that current fence, and gets hurt, you're going to think that \$14,000 is really cheap. Jimmy, so we are responsible for the fence

that was already there? Neil, No but you are responsible for your property and you are responsible for your equipment, it's your responsibility to keep people out. Andrew, where it is against the road I don't like the requirement of masonry. Neil, if we don't have any comments from the public let's move out of public hearing.

#### **Motion To Close Public Meeting.**

Cresta, I'll make the motion that we close the public hearing for J.R.H. Construction. Mark, I'll second the motion.

All in favor:

<b>Kerry Kinney</b>	<b>Aye</b>
<b>Mark Partridge</b>	<b>Aye</b>
<b>Neil Cathey</b>	<b>Aye</b>
<b>Cresta Slaugh</b>	<b>Aye</b>
<b>Andrew Bentley</b>	<b>Aye</b>

Motion passed with all voting Aye.

None opposed

Kerry, we should table it until we know the proper notification was given. Mark, my feeling is proper notification was given; it was in the paper and notices were put up. Andrew, what are your feelings that live there? Neil, just because it's the middle of the road where they meet doesn't mean we shouldn't enforce the masonry fence. Cresta, they are not the quietest people that work there, you have the noise, you have the dust, and you have the light pollution. Joshua, I did look up in the code, because of this type of provision the notice for public hearing is satisfied. We have satisfied the requirement for public hearing; it was posted in three public places. As far as notice for individuals, state statute does not require this type of a decision to be a public hearing, that's city policy. State statute does not require a letter being sent out, just posting in three public places and that was done.

Cresta, I'll make a motion that we follow the ordinance, that it has to be masonry. Kerry, I'll second.

Roll Call:

<b>Kerry Kinney</b>	<b>Aye</b>
<b>Mark Partridge</b>	<b>Nye</b>
<b>Neil Cathey</b>	<b>Aye</b>
<b>Cresta Slaugh</b>	<b>Aye</b>
<b>Andrew Bentley</b>	<b>Nye</b>

Motion passed with three voting Aye.

Two opposed

#### **ACTION ITEMS**

- Pheasant Run Phase II and III, Final subdivision plans review and recommendation.

Joshua, we have a multi-step process. Pheasant Run Phase II final approval Planning and Zoning Commission on December 17, 2013 approved the preliminary review of Pheasant Run Phase II. The one year has lapsed, however we have been working on this process the whole time getting it done. We have the developer's agreement signed. That is included in your packet. The developer is here to get final approval on phase II of Pheasant Run, and he is bringing forth a conception AL, and possibly preliminary and final on phase III. Phase III is a 12 lot addition. Upon recommendation from our City Attorney the request would be that we either approve or table or deny, depending on the Commission, phase II final plat. Then we look at phase II as a concept, we have a little time to review it. Chairman Cathey can then call a special meeting to approve or deny phase III to get to City Council for their next meeting. A road needs to be built at the end of phase II and III that connects to High County.

Joshua, just to clarify, tonight we have a final of phase II and a preliminary/final of phase III. The developer is required to build a road into High Country. Phase II is thirty houses; there are twelve lots that are in phase III that will be on the same streets as phase II. Thirty lots for phase II and 12 lots for phase III, a total of 42 lot for phase II and III. Our code no longer

requires a 30 lot maximum, nor does it require that a certain percentage of homes be built in the first phase before we move on to the next phase.

Rob Haywood, our prospective is to get a final on phase II and III. We have to build all of the 42 lots to get the first phase II built. I can't get the financing unless the bank has a recorded plat for security that defines the different lots. None of the lots have been sold at this time. We have to have them recorded before we can sell them, however we have had correspondence with Bishop Homes a builder and a Real-estate Agent Natalie Cloon. We lost five or six lots in this subdivision to provide the open space. Right now the green space will be maintained by the Home Owners Association. Drainage will not be underground; it will be the catch basins. We are just going to build the lots and sell to the developers or individuals.

Andrew, I make the motion that we approve the Pheasant Run Phase II final subdivision plan review and the phase III preliminary plan review and final plan review with the caveat that the following list is met and up the standards:  
The covering for the retention pond is met.

- o Ashley Valley Water and Sewer requirements are there for the water and sewer.
- o Fire hydrant requirements are met.
- o There is a change in the owners' dedication to keep phase III separate from phase II.
- o The Naples City Mayor's signature block is changed to phase III instead of phase X.
- o The road width is address as far as the asphalt and all that goes.
- o The lighting is addressed.
- o Signatures and seals are completed from the engineers to the survey.
- o And any questions about the cut-de-sac on 2780 South are addressed.

Mark seconds the motion.

All in favor:

<b>Szeth Simmons</b>	<b>Aye</b>
<b>Kerry Kinney</b>	<b>Aye</b>
<b>Mark Partridge</b>	<b>Aye</b>
<b>Neil Cathey</b>	<b>Aye</b>
<b>Cresta Slaugh</b>	<b>Aye</b>
<b>Chris Clark</b>	<b>Aye</b>
<b>Andrew Bentley</b>	<b>Aye</b>

Motion passed with all voting Aye.  
None opposed

### **ITEMS FOR FUTURE DISCUSSION**

Joshua, if you come across anything in the ordinance you think we should change. Andrew, I would like to get that clarified as far as the quorum goes.

Animal Control.

Dean, we have adopted whatever ordinances the County Animal Control has.

### **ADJOURN**

Mark made a motion to adjourn, Kerry seconds the motion.

All in favor:

<b>Szeth Simmons</b>	<b>Aye</b>
<b>Kerry Kinney</b>	<b>Aye</b>
<b>Mark Partridge</b>	<b>Aye</b>
<b>Neil Cathey</b>	<b>Aye</b>
<b>Cresta Slaugh</b>	<b>Aye</b>
<b>Chris Clark</b>	<b>Aye</b>
<b>Andrew Bentley</b>	<b>Aye</b>

Motion passed with all voting Aye.  
None opposed